

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ERNESTO S. PURUGAN and ISABELITA
G. PURUGAN,

Plaintiffs,

vs.

HSBC BANK USA, NATIONAL
ASSOCIATION as Trustee for ACE
SECURITIES CORP. HOME EQUITY LOAN
TRUST, SERIES 2005-HE7, ASSET
BACKED PASS-THROUGH CERTIFICATES;
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., and DOES 1 through
100,

Defendants.

Case No: C 12-5168 SBA

ORDER

Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the Court refers this foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone conference to assess this case's suitability for mediation or a settlement conference. All counsel of record shall participate in a telephone conference which is to be scheduled by the ADR Unit as soon as possible but no later than forty-five days from the date this Order is filed.

Counsel shall be prepared to discuss the following subjects:

- (1) Identification and description of claims and alleged defects in loan documents;
- (2) Prospects for loan modification; and
- (3) Prospects for settlement.

1 The parties need not submit written materials to the ADR Unit
2 for the telephone conference. In preparation for the telephone
3 conference, Plaintiff shall do the following:

- 4 (1) Review relevant loan documents and investigate the
5 claims to determine whether they have merit;
- 6 (2) If Plaintiff is seeking a loan modification to resolve
7 all or some of the claims, Plaintiff shall prepare a
8 current, accurate financial statement and gather all of
9 the information and documents customarily needed to
10 support a loan modification request. Further, Plaintiff
11 shall immediately notify Defendants' counsel of the
12 request for a loan modification; and
- 13 (3) Provide counsel for Defendants with information
14 necessary to evaluate the prospects for loan
15 modification, in the form of a financial statement,
16 worksheet or application customarily used by financial
17 institutions.


18 In preparation for the telephone conference, counsel for
19 Defendants shall do the following:

- 20 (1) If Defendants are unable or unwilling to do a loan
21 modification after receiving notice of Plaintiff's
22 request, counsel for Defendants shall promptly notify
23 Plaintiff to that effect; and
- 24 (2) Arrange for a representative of each Defendant with full
25 settlement authority to participate in the telephone
26 conference.

27 The ADR Unit will notify the parties of the date and time the
28 telephone conference will be held. After the telephone
conference, the ADR Unit will advise the Court of its
recommendation for further ADR proceedings.

IT IS SO ORDERED.

Dated: October 10, 2012


CLAUDIA WILKEN for
SAUNDRA BROWN ARMSTRONG
United States District Judge

cc: ADR